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Government of Kerala
1979

Reg. No KL/TV/12

# KERALA GAZETTE

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Monday, 12th March 1979 / 21st Phalguna 1900 [No. 170

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REPORT OF THE SELECT COMMITTEE

ON

THE KERALA PUBLIC LIBRARIES BILL, 1977

AND

THE BILL AS REPORTED BY THE SELECT COMMITTEE

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1979.

33/900/MC.

## THE KERALA PUBLIC LIBRARIES BILL, 1977

### Report of the Select Committee

The Select Committee to which the Kerala Public Libraries Bill, 1977 was referred, have considered the Bill clause by clause and now submit this, their report with the Bill as reported by the Select Committee annexed thereto.

2. The Bill was published in the Gazette Extraordinary dated August 5, 1977. The Bill was introduced in the Assembly on August 9, 1977 and the motion for reference to Select Committee was adopted on the same day.

3. The Committee held fourteen sittings of which six sittings (one day each at Palghat, Kozhikode, Cannanore, Ernakulam and two days at Trivandrum) were entirely devoted to the recording of evidence from representatives of organisations, associations, and persons interested in the provisions of the Bill. The changes proposed by the Committee and the reasons therefor are set out in the following paragraphs.

4. *Clause 2, sub-clauses (b), (c) and (d).*—The Committee are of the view that libraries maintained by departments or offices of the Government or any local authority and not intended for use by the public should alone be exempted from the provisions of the legislation, besides those mentioned in sub-clause (a) of the clause. The clause has been modified accordingly.

5. *Clause 3, sub-clause (2).*—The Committee consider that libraries which are receiving aid from any local authority should also be brought within the definition of "aided library". The sub-clause has been modified for this purpose.

6. *Clause 4, sub-clause (2).*—Item (b) of the sub-clause seeks to provide that the Secretary to Government in the Education Department shall be an ex-officio member and Vice-Chairman of the Kerala State Library Authority. Since there are two Secretaries to Government in the Education Department, the Committee think that it shoud be made clear that the Secretary to Government dealing with libraries shall be the member of the Authority. The Committee also consider that the Vice-Chairman should be elected by the members of the Authority from among themselves.

Item (d) of sub-clause (2) provides for election of a member of the Authority by the members of the Syndicate of each of the Universities in the State. The Committee feel that as already a number of elections have to be conducted by the Universities, election of the members of the Authority by the Syndicate should be dispensed with. The Committee also think that one member from among the heads of Departments of Library Science of all the Universities would be sufficient and that such member should be nominated, by the Chairman of the Authority.

Item (e) of the sub-clause seeks to provide for the election of three persons by the members of the Bharana Samithi of the Kerala Grandhasala Sangham as members of the Authority. In view of the recommendation of the Committee that the Kerala Grandhasala Sangham should be dissolved and instead a State Grandhasala Union should be established, it is not necessary to provide for representation of the Kerala Grandhasala Sangham in the Authority. The Committee consider that instead of the provision for election of three persons by the members of the Bharana Samithi of the Kerala Grandhasala Sangham, provision should be made for the election of six persons by the Managing Committee of the State Grandhasala Union from among themselves.

Items (g), (h) and (i) of the sub-clause seek to provide for the election of one member each by the members of the Kerala Sahitya Akademi, the Kerala Sangeetha Nataka Akademi and the Kerala Lalithakala Akademi respectively from among themselves. The Committee are of view that instead of election by the members of the said Akademies the chairman of each Akademy should be made an ex-officio member of the Authority.

The Committee consider that item (j) of the sub-clause which seeks to provide for the nomination of one expert in library science as member of the Authority is unnecessary and should be omitted as provision for nomination of a person from among the heads of departments of Library Science of the Universities in the State have been made in item (d) of the sub-clause as modified by the Committee.

Item (k) of the sub-clause seeks to provide that the Director of Public Instruction shall be an ex-officio member of the Authority. The Committee feel that as the Director of Public Instruction is saddled with heavy work and too much responsibilities, the item should be modified to provide that the Director of Public Instruction or an officer not below the rank of Joint Director of Public Instruction nominated by the Government shall be an ex-officio member of the Authority.

The Committee consider that the Authority should also consists of two persons elected from among themselves by the representatives of the Panchayats in the District Library Authorities and one person elected from among themselves by the representatives of the municipal councils and municipal corporations in the District Library Authorities.

The Committee also feel that the proviso to the sub-clause is unnecessary and should be omitted.

The sub-clause has been suitably modified by the Committee for the above purposes.

6. *Clause* 8, *sub-clause* (2).—The Committee are of the view that it will not be proper to require the State Library Authority to forward to the Government the reasons for passing a resolution. The sub-clause has been modified accordingly.

7. *Clause 9, sub-clause (d)*.—The Committee consider that the Trivandrum Public Library should be deemed to be a State Library established under the Act. For this purpose the Committee has inserted a new proviso to sub-clause (d).

8. *Clause 12, sub-clause (1)*.—Item (d) of the sub-clause seeks to provide for the election of three members of the District Library Authority by the members of the Bharana Samithi of the Kerala Grandhasala Sangham from among themselves. The Committee have recommended the dissolution of the Kerala Grandhasala Sangham and the establishment of a State Grandhasala Union. The Committee consider that the item should be modified to provide for the election of four persons by the members of the managing committee of the State Grandhasala Union from among themselves.

Item (e) of the sub-clause seeks to provide for the nomination of one person as member of the District Library Authority by the Collector of the district from among the residents of the district, who, in his opinion is interested in the development of the library movement. The Committee are of the view that the nomination should be by the Government.

Sub-item (iii) of item (f) provides for the nomination of one person by the State Library Authority from among the headmasters of the High Schools in the district. The Committee consider that the representation under sub-item (iii) should not be restricted to the High School headmasters and that all the teaching staff of all Government and aided schools in the district should be given representation. The Committee also think that employees working in the libraries in the district should also be given representation in the District Library Authority.

The sub-clause has been modified for the above purposes.

9. *Clause 16*.—According to sub-clause (c) of the clause, a person shall be disqualified for being chosen as and for being a member of the State Library Authority or a District Library Authority if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months unless he has been relieved from the disqualification arising on account of such sentence by the Government. The Committee are of the view that the Government should not have the power to relieve a person from the disqualification incurred by him. The Committee also consider that sub-clause (d) which disqualifies an undischarged insolvent from being chosen as, or for being, a member of the State Library Authority or a District Library Authority is unnecessary and should be omitted.

The clause has been modified for the above purposes.

10. *Clause 23, sub-clause (1)*.—This clause seeks to empower a District Library Authority to levy library cess, on all persons in the district liable to pay property tax to any local authority, at not more than ten per cent of such

tax. The Committee are of the view that the rate of levy should be uniform throughout the State which shall be ten per cent of the property tax payable to a local authority.

The Committee also consider that it should be clarified that property tax in respect of panchayat areas means the building tax payable to the panchayats.

*Sub-clause (4)*.—The Committee consider that the sub-clause casts an unnecessary burden on the local authorities and should therefore be omitted.

The clause has been modified for the above purposes.

11. *New Chapter.*—The Committee are of the view that with the establishment of the State Library Authority and the District Library authorities as envisaged in the Bill, the major functions of the Grandhasala Sangham will be discharged by those authorities. The Committee are, therefore, of the view that the Kerala Grandhasala Sangham should be dissolved and provisions should be incorporated in the Bill for the establishment of a State Grandhasala Union and Taluk Grandhasala Unions, on the model of the State Co-operative Union and Circle Co-operative Unions contemplated in the Kerala Co-operative Societies Act, 1969, for the purpose of carrying on propaganda on library movement imparting training to librarians and organising activities for adult education and eradication of illiteracy.

The Committee have accordingly inserted a new Chapter VI in the Bill for the above purposes.

12. *Clause 38 (Original clause 33) Sub clause (2)*.—The Committee are of the view that when the State Library Authority or a District Library Authority is superseded, only an officer or officers of the Government should be appointed to exercise the powers and discharge the duties of the superseded authority. The sub-clause has been modified for this purpose.

13. The other changes made by the Committee are either verbal or consequential.

C. H. Mohammed Koya,

*Chairman of the Select Committee.*

# വിയോജനക്കുറിപ്പ്

## I

കേരളാ പബ്ലിക് ലൈബ്രറീസ് ബില്ലിനെക്കുറിച്ചുള്ള സെലക്ട് കമ്മിററിയുടെ റിപ്പോർട്ടിലെ ചില ഭാഗങ്ങളോടു ഞാൻ വിയോജിക്കുന്നു. അതിനാൽ താഴെ പറയുന്ന വിയോജനക്കുറിപ്പെഴുതുന്നു.

(1) ബില്ലിന്റെ ഉദ്ദേശങ്ങളിൽ ഒന്ന് കേരള ഗ്രന്ഥശാലാ സംഘത്തിനെ പിരിച്ചുവിട്ടിട്ട് ആ സംഘടനയുടെ ജില്ലാ കമ്മിററികളും സംസ്ഥാന കമ്മിററികളും നിർവ്വഹിച്ചിരുന്ന അധികാരങ്ങളും ഉത്തരവാദിത്വങ്ങളും സ്റേററ് ലൈബ്രറി അതാറിട്ടി, ജില്ലാ ലൈബ്രറി അതാറിട്ടി എന്ന സ്ററാററ്യൂട്ടറി സ്ഥാപനങ്ങളെ ഏൽപ്പിക്കുക എന്നതാകണം.

(2) സംസ്ഥാന ലൈബ്രറി അതാറിട്ടിയും ജില്ലാ ലൈബ്രറി അതാറിട്ടികളും ഒരു വശത്തും താലൂക്ക് ഗ്രന്ഥശാലാ യൂണിയനുകളും സംസ്ഥാന ഗ്രന്ഥശാലാ യൂണിയനും മറുവശത്തും ആയി രണ്ടു സമാന്തര സംഘടനകളെ നിലനിർത്തുന്നത് ആവശ്യം ഇല്ലാത്തതാണ്.

(3) സംസ്ഥാന ഗ്രന്ഥശാലായൂണിയൻ ആവശ്യം ഇല്ലാത്ത ഒരു സ്ഥാപനമാണ്.

(4) താലൂക്ക് ഗ്രന്ഥശാലാ യൂണിയനുകളെ ജില്ലാ ലൈബ്രറി അതാറിട്ടികളുടെ കീഴ്ഘടകങ്ങളായി പ്രവർത്തിക്കുന്ന, പൊതുജന പങ്കാളിത്തത്തിന്റെയും ജനാധിപത്യത്തിന്റെയും അടിത്തറയായി അംഗീകരിക്കുകയും അതിനനുസരിച്ച് രൂപപ്പെടുത്തുകയും വേണം.

(5) ലൈബ്രേറിയൻമാർക്ക് ട്രെയിനിംഗ് കൊടുക്കുന്നതൊഴിച്ച് സംസ്ഥാന ഗ്രന്ഥശാലായൂണിയനെ ഏൽപ്പിച്ചിരിക്കുന്ന എല്ലാ ഉത്തരവാദിത്വങ്ങളും അധികാരങ്ങളും ജില്ലാ ലൈബ്രറി അതാറിട്ടികളുടെ കീഴ്ഘടകങ്ങളായ, താലൂക്ക് ഗ്രന്ഥശാലാ യൂണിയനുകളെ ഏൽപ്പിക്കാവുന്നതാണ്.

(6) ലൈബ്രേറിയൻമാർക്ക് ട്രെയിനിംഗ് കൊടുക്കുന്നതിനുള്ള ഉത്തരവാദിത്വം സ്റേററ് ലൈബ്രറി അതാറിട്ടിയെ ഏൽപ്പിക്കണം.

(7) ജില്ലാ ലൈബ്രറി അതാറിട്ടികളിലേയും സംസ്ഥാന ലൈബ്രറി അതാറിട്ടിയിലെയും പ്രതിനിധികളെ അയയ്ക്കുന്നതിനുവേണ്ടി മാത്രം സംസ്ഥാന ഗ്രന്ഥശാലാ യൂണിയൻ എന്നൊരു സ്ഥാപനത്തെ നിലനിർത്തേണ്ട ആവശ്യം ഇല്ല. ജില്ലാ ലൈബ്രറി അതാറിട്ടികളിലേക്ക് നാലുവീതവും സംസ്ഥാന ലൈബ്രറി അതാറിട്ടിയിലേക്ക് ആറും പ്രതിനിധികളെ, താലൂക്കു ഗ്രന്ഥശാലാ യൂണിയനുകളിൽ നിന്നു തെരഞ്ഞെടുക്കുന്നതിനു വേണ്ട വ്യവസ്ഥയുണ്ടാകണം.

(8) കേരള ഗ്രന്ഥശാലാ സംഘത്തിന്റെ അവകാശങ്ങളെയും താൽപ്പര്യങ്ങളെയും (interest) ജീവനക്കാരെയും സ്റ്റേറ്റ് ലൈബ്രറി അതോറിട്ടിയും ജില്ലാ ലൈബ്രറി അതോറിട്ടികളുമായി ഏറ്റെടുക്കണം.

(9) ഈ അടിസ്ഥാനത്തിൽ, താലൂക്ക് ഗ്രന്ഥശാലാ യൂണിയനുകളും, ജില്ലാ ലൈബ്രറി അതോറിട്ടികളും, സ്റ്റേറ്റ് ലൈബ്രറി അതോറിട്ടി എന്നിവ ഉൾക്കൊള്ളുന്ന ഒരു പ്രസ്ഥാനത്തിന്റെ കയ്യിൽ കേരള ഗ്രന്ഥശാലാസംഘം ചെയ്തിരുന്ന പ്രവർത്തനങ്ങളെ ഏൽപ്പിച്ചുകൊണ്ട് ലൈബ്രറി പ്രസ്ഥാനത്തിന്റെ പ്രവർത്തനങ്ങൾ മെച്ചപ്പെടുത്തുന്നതിനുള്ള ഒരു ബില്ല് ആയി ഇതിനെ മാററി എഴുതണം.

(10) താലൂക്ക് ഗ്രന്ഥശാലാ യൂണിയനുകളിലെ ജനറൽ ബോഡിയിലെ അംഗങ്ങളുടെ ഔദ്യോഗിക കാലാവധി അഞ്ചുവർഷമാക്കണം.

തിരുവനന്തപുരം,
4—3—1979.

(ഒപ്പ്)
ആർ. സുന്ദരേശൻ നായർ.

(4) One-third of the total number of members of the State Library Authority shall be the quorum for a meeting of the authority.

(5) The Chairman or, in his absence, the Vice-Chairman or, in the absence of both the Chairman and the Vice-Chairman, any member chosen by the members present from among themselves shall preside at a meeting of the State Library Authority.

(6) The Chairman and the Vice-Chairman shall exercise such other powers and perform such other duties as may be prescribed.

8. *Procedure of State Library Authority.*—(1) The State Library Authority shall transact business by resolutions passed in such manner and in accordance with such procedure as may be prescribed.

(2) Copy of every resolution ** ** ** ** shall be forwarded to the Government within fifteen days of passing that resolution.

(3) The Government may call for any ** ** information regarding any resolution from the State Library Authority and such authority shall be bound to furnish such information.

(4) The Government may, after giving reasonable notice to the State Library Authority and after hearing its objections, if any, suspend or cancel any resolution passed by the authority.

9. *Powers and functions of State Library Authority.*—Subject to the other provisions of this Act and the rules made thereunder, the State Library Authority may—

(a) advise the Government on all matters connected with the administration of this Act;

(b) co-ordinate the working of the District Library Authorities;

(c) superintend and direct all matters relating to library service in the State;

(d) in consultation with the Government establish one or more State Libraries at such place or places in the State as may be considered necessary:

Provided that the Trivandrum Public Library shall be deemed to be a State Library established by the State Library Authority under this clause.

(e) appoint and control such officers and servants as may be necessary for the efficient performance of its duties and functions under this Act and the rules made thereunder; and

(f) exercise such other powers and perform such other duties as are conferred on it by this Act and the rules made thereunder.

10. *Director of Libraries.*—(1) The Government may appoint a person having the prescribed qualifications to be the Director of Libraries.

(2) The Director of Libraries shall *ex-officio* be the Secretary and the chief executive authority of the State Library Authority.

(3) It shall be the duty of the Director of Libraries to give effect to the resolutions of the State Library Authority unless they are suspended or cancelled by the Government under sub-section (4) of section 8.

(4) The Director of Libraries shall exercise such other powers and perform such other duties as are or may be conferred or imposed on him by or under this Act or the rules made thereunder.

## CHAPTER III

## District Library Authorities

11. *Constitution of District Library Authorities.*—(1) For the purpose of organising and administering library service at the district level, the Government may, by notification, constitute a District Library Authority for each district in the State.

(2) Every District Library Authority shall be a body corporate by the name of the district for which it is constituted, having perpetual succession and a common seal with power, subject to the provisions of this Act and the rules made thereunder, to acquire, hold and dispose of property, both movable and immovable, to contract and to do all things necessary, proper or expedient for the purpose for which it is constituted and shall, by the said name sue and be sued.

12. *Composition of District Library Authorities.*—(1) Every District Library Authority shall consist of—

(a) one person elected by the members of the municipal council or municipal corporation, as the case may be, within the limits of which the district library is situated;

(b) five persons elected by the Presidents of the panchayats and townships in the district, from among themselves;

(c) two persons elected by the members of the municipal councils and municipal corporations in the district, other than that mentioned in clause (a), from among themselves;

(d) four persons elected by the members of the managing committee of the State Grandhasala Union ordinarily resident in the district, from among themselves;

(e) one person nominated by the Government from among the residents of the district, who, in their opinion, is interested in the development of the library movement;

(f) one person nominated by the State Library Authority from each of the following groups:—

(i) officers of the Education Department in the district;

(ii) the teaching staff of the colleges in the district; and

(iii) the teaching staff of the Government and aided schools in the district; ** **

(iv) the employees of the libraries in the district; and

(g) the District Librarian, *ex-officio*.

(2) The Chairman and the Vice-Chairman of the District Library Authority shall be elected by the members of the authority from among themselves.

13. *Nomination of members by Government in default of election or nomination under section 4 or section 12.*—If any member is not elected under clause (c) or * * (e) or (f) * * * or (m) or (n) of sub-section (2) of section 4 or if any member is not elected or nominated, as the case may be, under clause (a) or (b) or (c) or (d) or (e) or (f) of sub-section (1) of section 12, within such period as may be prescribed, the Government may, by notification, nominate a person qualified to be elected or nominated, as the case may be, to fill that vacancy, and the person so nominated shall be deemed to be a member duly elected or nominated under that clause.

14. *Term of office.*—(1) Save as otherwise provided in this Act, the term of office of the members of a District Library Authority, other than the *ex-officio* members, shall be five years commencing from the date on which the first meeting of the authority is held:

Provided that every member other than the *ex-officio* member shall continue in office until his successor assumes office.

(2) An outgoing member of a District Library Authority shall be eligible for re-election or re-nomination, as the case may be.

15. *Vacancies.*—A casual vacancy caused by death, resignation or disability of a member or otherwise, in the District Library Authority shall be filled as early as possible by election or nomination, as the case may be, of a suitable person in accordance with the provisions of section 12 or section 13 and any person so elected or nominated to fill a vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

16. *Disqualifications of members of State Library Authority and District Library Authority.*—A person shall be disqualified for being chosen as and for being, a member of the State Library Authority or a District Library Authority,—

(a) if he absents himself without excuse, sufficient in the opinion of the State Library Authority or the District Library Authority, as the case may be, from three consecutive meetings of the authority; or

(b) if he ceases to hold the office or be a member of the body or authority by virtue of which he has been elected or nominated; or

(c) if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted; or * * * * * *

* * * * * * *

(d) if he is of unsound mind and stands so declared by a competent court.

17. *Meetings of District Library Authorities.*—(1) Every District Library Authority shall meet at least once in every three months on dates to be fixed by the Chairman and one of such meetings shall be the annual meeting.

(2) The Chairman may, whenever he thinks fit, convene a special meeting of the District Library Authority for the transaction of urgent business.

(3) Subject to such conditions as may be prescribed, a special meeting shall be convened by the Chairman to discuss matters of urgent importance upon a requisition by not less than one-third of the number of members of the District Library Authority.

(4) One-third of the total number of members of the District Library Authority shall be the quorum for a meeting of the authority.

(5) A District Library Authority shall transact business by resolutions passed in such manner and in accordance with such procedure as may be prescribed.

(6) Copy of every resolution shall be forwarded to the State Library Authority within fifteen days of passing that resolution.

(7) The Government may after giving reasonable notice to the District Library Authority and after hearing its objections, if any, suspend or cancel any resolution passed by the authority.

18. *Powers and duties of Chairman and Vice-Chairman of District Library Authority.*—(1) The Chairman of a District Library Authority may preside at the meetings of the authority and exercise such powers and perform such duties as may be prescribed.

(2) The Vice-Chairman of a District Library Authority may, in the absence of the Chairman, preside at the meetings of the authority and exercise such powers and perform such duties of the Chairman as the Chairman may, from time to time, delegate to him.

19. *District Librarians.*—(1) Every District Librarian shall be appointed by the Government.

(2) The qualifications, method of appointment, pay and other conditions of service of the District Librarians shall be such as may be prescribed.

(3) The District Librarian shall *ex-officio* be the Secretary and the chief executive authority of the District Library Authority.

(4) The District Librarian shall carry into effect the resolutions of the District Library Authority unless they are suspended or cancelled by the Government under sub-section (7) of section 17.

(5) The District Librarian shall generally assist the District Library Authority in performing its functions, and exercise such other powers and perform such other duties as may be conferred or imposed on him by or under this Act or the rules made thereunder.

20. *Powers and functions of District Library Authorities.*—Save as otherwise provided in this Act, every District Library Authority shall have power—

(a) to supervise, co-ordinate and control the library service under its jurisdiction in the district;

(b) to provide library service to the persons residing in the district;

(c) to appoint officers and servants necessary for the efficient performance of its duties and functions and for the transaction of business in regard to the libraries under its jurisdiction;

(d) to provide suitable lands and buildings for public libraries and the furniture, fittings, equipment and other conveniences necessary for the purpose;

(e) to provide such libraries with books, periodicals, newspapers, maps, gramaphone records, manuscripts, works and specimens of art and science, lantern slides, films, cinema projectors, recorders and the like;

(f) to shift or close any public library;

(g) to accept any endowment or gift for any purpose connected with its activities;

(h) to provide for lectures and conduct other activities as may be conducive to the carrying out of the purposes of this Act;

(i) with the sanction of the Government, to do any other thing that may be conducive to the furtherance of the purposes of this Act; and

(j) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act or the rules made thereunder.

21. *Recognition of libraries for aid.*—(1) Any library other than a library under the supervision and control of the State Library Authority or a District Library Authority may apply to the District Library Authority of the district in which it is situated for recognition as a recognised library under this Act.

(2) An application under sub-section (1) may be accompanied by a recommendation of the district unit of the Grandhasala Sangham in the prescribed form indicating to what extent the library has complied with the conditions prescribed for such recognition.

(3) The District Library Authority shall consider the application and the recommendation, if any, and if it is satisfied that the conditions for granting recognition have been complied with, grant recognition to the library and on such recognition being granted, the library shall be eligible for aid.

## CHAPTER IV

## Development Plan, Cess and Funds

22. *Library Development Plan.*—(1) Subject to the provisions of this Act and the rules made thereunder, and to the general or special orders of the Government, if any, in this behalf, a District Library Authority may, after consulting the Grandhasala Sangham, prepare a District Library Development Plan for establishing, co-ordinating and spreading library service within the entire district or part thereof, in such form and manner and containing such particulars as may be prescribed.

(2) The District Library Development Plan shall thereafter be forwarded to the Director of Libraries who shall submit it to the Government with the views of the State Library Authority.

(3) The Government may, if they deem fit, sanction the District Library Development Plan with or without alterations.

(4) The Government may, on application by the District Library Authority concerned, and in consultation with the State Library Authority, modify any District Library Development Plan sanctioned under sub-section (3).

(5) As soon as may be after the sanctioning of a District Library Development Plan, the Director of Libraries shall, in conformity with the provisions of the said plan, make an order called the District Library Development Order, specifying the extent and nature of the library service which shall be established and maintained by the District Library Authority, the measures to be taken by the District Library Authority for providing adequate library service to the people in the area and the stages in which such measures shall be taken.

(6) Every District Library Authority shall give effect to the District Library Development Plan as sanctioned by the Government under sub-section (3) and the District Library Development Order made under sub-section (5).

23. *Library cess.*—(1) For the purpose of meeting the expenditure in connection with the library service in a district, a District Library Authority may, with effect from such date as the Government may notify in this behalf, levy a library cess on all persons in the district liable to pay property tax to any local authority under the law governing the constitution and powers of that local authority ** ** ** at ten percent of such tax and such cess shall be deemed to be an addition to such property tax.

*Explanation.*—For the purposes of this section "property tax", in relation to a panchayat, means the building tax payable to that panchayat.

(2) The levy of the cess under sub-section (1) shall be published in the prescribed manner and notified to all the local authorities in the district entitled to levy and collect property tax under the law referred to in sub-section (1), to enable them to collect the same along with the property tax.

(3) The probable amount of library cess due under sub-section (1) to a District Library Authority from each of the local authorities in the district shall be paid by the Government in advance by deduction from the grant or other amount payable by the Government to that local authority.

** ** **

(4) The Library cess levied under sub-section (1) shall be collected by the local authorities along with the property tax and the procedure for the demand, levy and collection of the property tax shall, *mutatis mutandis* apply to the demand, levy and collection of the library cess.

(5) The local authorities shall reimburse themselves by collecting the library cess along with the property tax and if the library cess collected is more or less than the sum mentioned in sub-section (3) the difference shall be adjusted in the prescribed manner.

24. *Government grant to District Library Authorities.*—(1) The Government may make annually a grant to every District Library Authority of a sum which shall not be less than the amount collected by way of library cess under section 23.

(2) The amount of such grant shall be credited to the District Library Fund maintained under section 25, at such times and in such manner as may be prescribed.

25. *The District Library Fund.*—(1) Every District Library Authority shall maintain a fund called the District Library Fund, from which all the expenses of that authority shall be met.

(2) The following sums shall be credited to the District library Fund:—

(a) the Library cess collected under section 23;

(b) the grant made under section 24;

(c) contributions, gifts and income from endowments, granted to the authority;

(d) any other grant which the Central or State Government may make.

26. *State Library Fund.*—(1) The State Library Authority shall maintain a fund called the State Library Fund from which all the expenses of that authority shall be met.

(2) The following sums shall be credited to the State Library Fund:—

(a) grants which the State Government or the Central Government may make to the State Library Authority;

** ** **

(b) contributions and gifts made to the State Library Authority.

27. *Accounts.*—(1) The State Library Authority and every District Library Authority shall keep complete accounts of their financial transactions in such form as may be prescribed.

(2) The Accounts shall be open to inspection and shall be subject to audit, disallowance and surcharge and shall be dealt with in all other respects in such manner as may be prescribed.

28. *Inspection of libraries.*—(1) The Director of Libraries or the District Librarian may, and if directed by the appropriate Library authority, shall, inspect any library under his jurisdiction for verifying whether the provisions of this Act and the rules and bye-laws made thereunder are duly observed by the libraries.

(2) In all cases where such inspections are made, the inspecting officer shall submit a detailed report of his inspection to the appropriate library authority.

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Government of Kerala
1979

Reg. No. KL/TV/12

# KERALA GAZETTE

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

**Vol. XXIV] Trivandrum, Monday, 12th March 1979 / 21st Phalguna 1900 [No. 171**

**SECRETARIAT OF THE KERALA LEGISLATURE**

NOTIFICATION

No. 2783/LA4/79. *Dated, Trivandrum, 12th March 1979.*

The Kerala Municipalities (Second Amendment) Bill, 1979 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
*Secretary,*
*Legislative Assembly.*

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1979.

33/914/MC.

**Fifth Kerala Legislative Assembly**

**Bill No. 106**

# THE KERALA MUNICIPALITIES (SECOND AMENDMENT) BILL, 1979

*A*

*BILL*

*further to amend the Kerala Municipalities Act, 1960.*

*Preamble.*—WHEREAS it is expedient to further amend the Kerala Municipalities Act, 1960, for the purpose hereinafter appearing;

BE it enacted in the Thirtieth Year of the Republic of India as follows:—

1 *Short title and commencement.*— (1) This Act may be called the Kerala Municipalities (Second Amendment) Act, 1979.

(2) It shall be deemed to have come into force on the 1st day of February, 1979.

2. *Amendment of Section 412.*—In sub-section (2) of section 412 of the Kerala Municipalities Act, 1960 (14 of 1961) (hereinafter referred to as the principal Act), for the words brackets and figures "not exceeding eighteen months as the Government may, by notification in the Gazette, specify in this behalf from the date of publication of the notification under sub-section (3) of section 4 declaring the area to be a municipality", the words, brackets and figures "not exceeding thirty months as the Government may by notification in the Gazette, specify in this behalf, from the date on which the notification under sub-section (3) of section 4 declaring the area to be a municipality takes effect" shall be substituted.

3. *Repeal and saving.*—The Kerala Municipalities (Amendment) Ordinance, 1979 (2 of 1979), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS

According to sub-section (1) of section 412 of the Kerala Municipalities Act, 1960, when a municipality is constituted for the first time, the Government may appoint a Special Officer to exercise the powers, discharge the duties

and perform the functions of the municipal council and its chairman and commissioner. Sub-section(2) of that section provides that the Special Officer shall cause arrangements for the election to be made so that the newly elected councillors may come into office on a day within six months or such further time, not exceeding eighteen months, as the Government may, by notification in the Gazette, specify in this behalf, from the date of publication of the notification declaring the area to be a municipality.

2. By Notification G.O. (Ms.) 196/77/LA&SWD-II dated the 18th July, 1977, issued under sub-section (3) of section 4 of the said Act and published in the Gazette dated the 18th July, 1977, Government declared the area within the Kodungallur Panchayat as a Municipality with effect from the 1st August, 1977. The election of the councillors of the Kodungallur municipality had been postponed by the Government under sub-section (2) of section 412 for an aggregate period of eighteen months which was due to expire in January, 1979.

3. The elections to all local bodies in the State had been postponed to the end of May, 1979, so that the newly elected councillors may enter upon office on the 1st June, 1979. It was considered that it would be convenient if the election of the councillors of the Kodungallur municipality was also conducted along with the election to the other municipalities. Since the date on which the councillors of the Kodungallur municipality are to enter upon office had been postponed for an aggregate period of eighteen months which is the maximum period allowed by sub-section (2) of section 412 of the Kerala Municipalities Act, 1960, any further postponement of the date of election could be made only by amending that Act.

4. As the Legislative Assembly was not in session and as the matter could not wait till the next session of the Legislative Assembly, the Kerala Municipalities (Amendment) Ordinance, 1979 (2 of 1979), was promulgated by the Governor on the 1st February, 1979, by substituting "two years" for "eighteen months" in sub-section (2) of section 412 of the said Act.

5. According to sub-section (2) of section 412 as amended by Ordinance 2 of 1979 the maximum period by which election of councillors of a newly constituted municipality can be extended by the Government is two years. In the case of Kodungallur municipality the period of two years will expire in July, 1979. It has since been decided to hold the elections to all the local bodies in the State in the month of September, 1979. It is therefore necessary to provide for the further extension of the date for the election of the councillors of the Kodungallur municipality so that the elections to that municipality also can be held along with the elections to the other municipalities. For this purpose, it is proposed to amend sub-section (2) of section 412 to empower the Government to extend the date for the election of councillors of a newly constituted municipality for a maximum period of thirty months.

6. According to sub-section (2) of section 412 as amended by Ordinance 2 of 1979, councillors of a newly constituted municipality may come into office on a day within six months or such further time, not exceeding two years, as the Government may, by notification in the Gazette, specify in this behalf, from the date of publication of the notification under sub-section (3) of section 4 declaring the area to be a municipality. According to sub-section (4) of section 4, a notification under sub-section (3) of that section declaring an area to be a municipality takes effect from the date of the notification, or, if any date is specified in the notification for its taking effect, from such date. The intention is that the period of two years specified in sub-section (2) of section 412 should start from the date on which the notification declaring an area to be a municipality takes effect and not from the date of publication of such notification. It is therefore proposed to avail of this opportunity to make the intention clear.

7. The Bill seeks to replace Ordinance 2 of 1979 by an Act of the State Legislature with the above modifications.

## FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

C. H. MOHAMMED KOYA

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Government of Kerala
1979

Reg. No. KL/TV/12

# KERALA GAZETTE

## EXTRAORDINARY

## PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Monday, 12th March 1979 / 21st Phalguna 1900 [No. 172

GOVERNMENT OF KERALA

**Agriculture (Forest) Department**

NOTIFICATIONS

I

No. G. O. (MS) 100/79/AD. *Dated, Trivandrum, 9th March* 1979.

**S. R. O. No. 311/79.**—In exercise of the powers conferred by sub-section (2) of section 3 of the Kerala Forest Produce (Fixation of Selling Price) Act, 1978 (29 of 1978) the Government of Kerala after having consulted the Expert Committee constituted under section 4 of the said Act, and having considered the recommendations made by it hereby fix the selling price of forest produce as specified in the schedule below for the period commencing from the date of this Notification and ending with 31st March, 1979.

SCHEDULE

| Sl. No. | Common name of the forest produce | Botanical name of the forest produce | Unit | Price recommended by the Committee | | |
|---|---|---|---|---|---|---|
| | | | | Ex. Depot price Rs. | Price for the standing timber at site Rs. | Whether with or without bark |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| 1 | Bamboos* | Bambusa Spp. | Metric Tonne | 148 | 36 | Not applicable |
| 2 | Reeds * | Occhlandra sppl. | Metric Tonne | 148 | 36 | |
| 3 | Eucalyptus | Eucalyptus hybrid and E. grandis | Stacked Tonne | 155 | 95 | With bark |
| 4 | Vellapine | Vateria indica | Cubic Metre | 600 | 484 | Without bark |
| 5 | Kalpine | Dipterocarpus species | do. | 650 | 534 | do. |
| 6 | Punna | Calophyllum species | do. | 475 | 359 | do. |
| 7 | Chandanavembu | Cedrela toona | do. | 500 | 384 | do. |
| 8 | Pali | Palaquim elipticum | do. | 600 | 484 | do. |
| 9 | Matty | Ailanthus malabaricum | do. | 500 | 384 | do. |
| 10 | Elavu | Bombax malabaricum | do. | 600 | 484 | do. |
| 11 | Kambili | Evodia roxburghiana | do. | 600 | 484 | do. |
| 12 | Vellakil | Dysoxylum malabaricum | do. | 880 | 764 | do. |
| 13 | Kadambu | Adina cordifolia | do. | 580 | 464 | do. |
| 14 | Vekkalee | Anogeissus latifolia | Stacked Tonne | Rs. 25 per stacked tonne at site/seigniorage rate if sold as timber | | With bark for firewood/billets |
| 15 | Banda | Kydia calycina | Cubic Metre | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 16 | Uppathy or Vatta | Macaranga peltata | Cubic Metre | 300 | 184 | Without bark |
| 17 | Pala | Alstonia scholaris | do. | 400 | 284 | do. |
| 18 | Thanni | Terminalia bellerica | do. | 550 | 434 | do. |

* *Bamboos and Reeds*:

The following formula will be adopted for correction of loss of weight after felling:—

(1) Weight recorded on or before the thirtieth (30th) day of felling will be treated as such.

(2) Weight recorded after thirty (30) days of felling but on or before the seventy-fifth (75th) day of felling will be multiplied by 10/6.

(3) Weight recorded after 75 days from the date of fellng will be doubled.

*Note*:— (i) In relation to all the species, the price of billets/firewood with bark will be per stacked tonne. 1/3 of the price fixed per cubic metre for standing—timber of the same species, would be realised for stacked tonne of billets/firewood unless otherwise specified.

(ii) The price will apply to sound timber only; short length logs and unsound timber (rejections) will be auctioned by the Forest Department.

By order of the Governor,

K. V. Vidyadharan,

*Additional Secretary.*

**Explanatory Note**

The Government of Kerala constituted an Expert Committee under section 4 of the Kerala Forest Produce (Fixation of Selling Price) Act, 1978, as per Gazette Notification S. R. O. No. 1218/78 dated 26-12-1978. They

have considered the recommendations of this Committee, for fixation of price of forest produce, and have laid down the selling price of forest produce for the period beginning from the date of this Notification to the 31st March 1979 as required under section 3 (2) of the abovementioned Act. The present notification is to notify the price of forest produce to the public.

## II

No. G. O. (MS) 100/79/AD. *Dated, Trivandrum, 7th March 1979.*

**S. R. O. No. 312/79.** In exercise of the powers conferred by sub section (1) of section 3 of the Kerala Forest Produce (Fixation of Selling Price) Act, 1978 (29 of 1978) the Government of Kerala after having consulted the Expert Committee constituted under section 4 of the said Act, and having considered the recommendations made by it hereby fix the selling price of forest produce as specified in the schedule below for the financial year 1979-80.

### SCHEDULE

| | | | | *Price recommended by the Committee* | | |
|---|---|---|---|---|---|---|
| *Sl. No.* | *Common name of the Forest produce* | *Botanical name of the forest produce* | *Unit* | *Ex. Depot price Rs.* | *Price for the standing timber at site Rs.* | *Whether with or without bark* |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| 1 | Bamboos* | Bambusa Spp. | Metric Tonne | 148 | 36 | Not applicable |
| 2 | Reeds* | Occhlandra sppi. | Metric Tonne | 148 | 36 | Not applicable |
| 3 | Eucalyptus | Eucalyptus hybrid and E. grandis | Stacked Tonne | 155 | 95 | With Bark |

| | | | | | | |
|---|---|---|---|---|---|---|
| 4 | Vellapine | Vateria indica | Cubic Metre | 600 | 484 | Without bark |
| 5 | Kalpine | Dipterocarpus species | do. | 650 | 534 | do. |
| 6 | Punna | Calophyllum species | do. | 475 | 359 | do. |
| 7 | Chandanavembu | Cedrela toona | do. | 500 | 384 | do. |
| 8 | Pali | Palaquim elipticum | do. | 600 | 484 | do. |
| 9 | Matty | Ailanthus malabaricum | do. | 500 | 384 | do. |
| 10 | Elavu | Bombax malabaricum | do. | 600 | 484 | do. |
| 11 | Kambili | Evodia roxburghiana | do. | 600 | 484 | do. |
| 12 | Vellakil | Dysoxylum malbaricum | do. | 880 | 764 | do. |
| 13 | Kadambu | Adina cordifolia | do. | 580 | 464 | do. |
| 14 | Vekkalee | Anogeissus latifolia | Stacked Tonne | Rs. 25 per stacked tonne at site/seigniorage rate if sold as timber | | With bark for firewood/ billets |
| 15 | Banda | Kydia calycina | Cubic Metre | | | |
| 16 | Uppathy or Vatta | Macaranga peltata | do. | 300 | 184 | Without bark |
| 17 | Pala | Alstonia scholaris | do. | 400 | 284 | do. |
| 18 | Thanni | Terminalia bellerica | do. | 550 | 434 | do. |

*Bamboos and Reeds.

The following formula will be adopted for correction of loss of weight after felling:—

(1) Weight recorded on or before the thirtieth (30th) day of felling will be treated as such.

(2) Weight recorded after thirty (30) days of felling but on or before the seventy-fifth (75th) day of felling will be multiplied by 10/6.

(3) Weight recorded after 75 days from the date of felling will be doubled.

*Note.*— (i) In relation to all the species, the price of billets/firewood with bark will be per stacked tonne. 1/3 of the price fixed per cubic metre for standing—timber of the same species, would be realised for stacked tonne of billets/firewood unless otherwise specified.

(ii) The price will apply to sound timber only short length logs and unsound timber (rejections) will be auctioned by the Forest Department.

By order of the Governor,

K. V. VIDYADHARAN,

*Additional Secretary to Government.*

**Explanatory Note**

The Government of Kerala constituted an Expert Committee under section 4 of the Kerala Forest Produce (Fixation of Selling Price) Act, 1978, as per Gazette Notification S. R. O. No. 1218/78 dated 26-12-1978. Thev have considered the recommendations of this Committee for fixation of price of forest produce, and have laid down the selling price of forest produce for the financial year 1979-80 as required under section 3 of the abovementioned Act. The present notification is to notify the price of forest produce to the public.

No. G. O. (Ms) 100/79/AD. *Dated, Trivandrum, 9th March* 1979.

**S. R. O. No. 313/79.**—In exercise of the powers conferred by section 6 of the Kerala Forest Produce (Fixation of Selling Price) Act, 1978 (29 of 1978), the Government of Kerala, being satisfied that it is necessary so to do in the public interest, hereby exempt the sale of any forest produce to the Kerala Newsprint Project under the Hindustan Paper Corporation, The Kerala State Bamboo Corporation and the Travancore Plywood Industries, Punalur from the provisions of section 5 of the said Act.

By order of the Governor,

K. V. Vidyadharan,

*Additional Secretary to Government.*

**Explanatory Note**

After Government have notified selling price of Forest Produce under section 3 of Act 29 of 1978, Forest produce cannot be sold at prices less than the selling price. Under section 6 of the Act, Government can exempt in Public interest, by Notification, the sale of any Forest produce to companies owned by the Central Government or byGovernment of Kerala. As KeralaNewsprint Project, Bamboo Corporation and the Travancore Plywood Industries, Punalur are undertakings of the Central Government and the Government of Kerala respectively, it is considered expedient to exempt these from the provisions of section 5 of the Act. The Notification is intended to achieve the above purpose.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1979.